

ASSEMBLY BILL

No. 539

Introduced by Assembly Member Cohn

February 18, 2003

An act to amend Section 1766 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 539, as introduced, Cohn. Dentistry: dental hygienists.

Existing law provides for the regulation of dental auxiliaries by the Committee on Dental Auxiliaries, under the jurisdiction of the Dental Board of California. Existing law defines the practice of dental hygiene and authorizes a dental hygienist to perform specified procedures under direct, general, and no supervision. Existing law, with specified exceptions, prohibits a person other than a licensed dental hygienist or a licensed dentist from engaging in the practice of dental hygiene or the performance of dental hygiene patient procedures.

This bill would require the board to authorize and license as a dental hygienist a 3rd or 4th year dental student who is in good standing in an accredited California dental school.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1766 of the Business and Professions
- 2 Code is amended to read:
- 3 1766. (a) The board shall license as a registered dental
- 4 hygienist a person who satisfies all of the following requirements:

(1) Completion of an educational program for registered dental hygienists, approved by the board, and accredited by the Commission on Dental Accreditation, and conducted by a degree-granting, postsecondary institution *or a third- or fourth-year dental student in good standing in an accredited California dental school.*

(2) Satisfactory performance on an examination required by the board.

(3) Satisfactory completion of a national written dental hygiene examination approved by the board.

(b) The board may grant a license as a registered dental hygienist to an applicant who has not taken an examination before the board, if the applicant submits all of the following to the board:

(1) A completed application form and all fees required by the board.

(2) Proof of a current license as a registered dental hygienist issued by another state that is not revoked, suspended, or otherwise restricted.

(3) Proof that the applicant has been in clinical practice as a registered dental hygienist or has been a full-time faculty member in an accredited dental hygiene education program for a minimum of 750 hours per year for at least five years preceding the date of his or her application under this section. The clinical practice requirement shall be deemed met if the applicant provides proof of at least three years of clinical practice and commits to completing the remaining two years of clinical practice by filing with the board a copy of a pending contract to practice dental hygiene in any of the following facilities:

(A) A primary care clinic licensed under subdivision (a) of Section 1204 of the Health and Safety Code.

(B) A primary care clinic exempt from licensure pursuant to subdivision (c) of Section 1206 of the Health and Safety Code.

(C) A clinic owned or operated by a public hospital or health system.

(D) A clinic owned and operated by a hospital that maintains the primary contract with a county government to fill the county's role under Section 17000 of the Welfare and Institutions Code.

(4) Proof that the applicant has not been subject to disciplinary action by any state in which he or she is or has been previously licensed as a registered dental hygienist or dentist. If the applicant

1 has been subject to disciplinary action, the board shall review that
2 action to determine if it warrants refusal to issue a license to the
3 applicant.

4 (5) Proof of graduation from a school of dental hygiene
5 accredited by the Commission on Dental Accreditation.

6 (6) Proof of satisfactory completion of the Dental Hygiene
7 National Board Examination and of a state or regional clinical
8 licensure examination.

9 (7) Proof that the applicant has not failed the examination for
10 licensure to practice dental hygiene under this chapter more than
11 once or once within five years prior to the date of his or her
12 application for a license under this section.

13 (8) Documentation of completion of a minimum of 25 units of
14 continuing education earned in the two years preceding
15 application, including completion of any continuing education
16 requirements imposed by the board on registered dental hygienists
17 licensed in this state at the time of application.

18 (9) Any other information as specified by the board to the
19 extent that it is required of applicants for licensure by examination
20 under this article.

21 (c) The board may periodically request verification of
22 compliance with the requirements of paragraph (3) of subdivision
23 (b), and may revoke the license upon a finding that the
24 employment requirement or any other requirement of paragraph
25 (3) has not been met.

26 (d) The board shall provide in the application packet to each
27 out-of-state dental hygienist pursuant to this section the following
28 information:

29 (1) The location of dental manpower shortage areas in the state.

30 (2) Any not-for-profit clinics, public hospitals, and accredited
31 dental hygiene education programs seeking to contract with
32 licensees for dental hygiene service delivery or training purposes.

33 (e) The board shall review the impact of this section on the
34 availability of actively practicing dental hygienists in California
35 and report to the appropriate policy and fiscal committees of the
36 Legislature by January 1, 2006. The report shall include a separate
37 section providing data specific to dental hygienists who intend to
38 fulfill the alternative clinical practice requirements of subdivision

39 (b). The report shall include, but not be limited to, the following:

1 (1) The number of applicants from other states who have
2 sought licensure.

3 (2) The number of dental hygienists from other states licensed
4 pursuant to this section, the number of licenses not granted under
5 this section, and the reason why the license was not granted.

6 (3) The practice location of dental hygienists licensed pursuant
7 to this section.

8 (4) The number of dental hygienists licensed pursuant to this
9 section who establish a practice in a rural area or in an area
10 designated as having a shortage of practicing dental hygienists or
11 no dental hygienists or in a safety net facility identified in
12 paragraph (3) of subdivision (b).

13 (5) The length of time dental hygienists licensed pursuant to
14 this section practiced in the reported location.

15 (f) In identifying a dental hygienist's location of practice, the
16 board shall use medical service study areas or other appropriate
17 geographic descriptions for regions of the state.

